

REMARKS

Claims 1, 18-19 and 21-23 have been amended. Claims 14 and 20 are cancelled without prejudice or disclaimer of the subject matter therein.

Claim 1 recites a roll of tickets... formed from a substrate having a caliper characteristic between 5 and 8 points and an opacity characteristic of less than 98%. These structural characteristics are not taught or suggested by any of the prior art of record. The admitted prior art has opacity of greater than 99% and a caliper of about 9.5. Neither Austin, Jr. (U.S. Patent No. 4,071,201) or London (U.S. Patent No. 2,571,268) teach or suggest tickets having a opacity and/or caliper as recited in claim 1.

Claim 10 recites a roll of tickets... formed from a substrate having an opacity of less than 98%. Claim 21 recites tickets... having an opacity of less than 98%. As noted above with respect to claim 1 this feature is neither taught or suggested by the admitted prior art, Austin, Jr. or London.

Claim 19 recites tickets... having a caliper in the range of 5 and 8 points. As noted above, this feature is neither taught or suggested by the admitted prior art, Austin, Jr. or London.

Claim 23 is dependent on claim 21 and adds that each ticket has a marking imprinted thereon for triggering a light and sensor ticket-counting device. Depending on which side of the ticket the imprint is placed, the opacity may be key to the use of the light and sensor. This feature is not taught or suggested by any of the prior art of record.

At, for example page 7, of the office action it is suggested that the claimed values for opacity and caliper would have been obvious to one of ordinary skill in the art. In rejecting claims under 35 U.S.C. 103, the examiner bears the initial burden of presenting a prima facie case of obviousness.¹ A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art.² The remarks in the office action do not point to any teaching or suggestion in the prior art which would have rendered the claimed subject matter obvious as stated in the office action. For these reasons, reconsideration of the rejections of the present claims is requested.

¹ See *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

² See *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993).

As required, the appropriate fee of \$55.00 specified in 37 CFR 1.17 for a one-month extension is submitted herewith. Please credit any overpayments or charge any additional fees to the Deposit Account of Barnes & Thornburg, Account Number 02-1010 (35481-73372).

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (35481-73372).

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Richard B. Lazarus", written in a cursive style.

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